

# HOUSE BILL No. 1498

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-24.

**Synopsis:** Nonphotograph BMV identification documents. Requires the bureau of motor vehicles to issue driver's licenses, permits, and identification cards without a photograph if the applicant for the license, permit, or identification card has a sincerely held religious objection to the taking of a photograph of the applicant. Provides that a license, permit, or identification card that does not bear a photograph must include a statement that indicates that the license, permit, or identification card may not be accepted by any federal agency for federal identification or any other federal purpose.

**Effective:** July 1, 2015.

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## Beumer

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January 20, 2015, read first time and referred to Committee on Roads and Transportation.

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First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1498

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A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 9-24-9-2, AS AMENDED BY P.L.85-2013,  
2       SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2015]: Sec. 2. (a) Except as provided in subsection (b), each  
4       application for a license or permit under this chapter must require the  
5       following information:  
6               (1) The full legal name of the applicant.  
7               (2) The applicant's date of birth.  
8               (3) The gender of the applicant.  
9               (4) The applicant's height, weight, hair color, and eye color.  
10              (5) The principal address and mailing address of the applicant.  
11              (6) A:  
12                  (A) valid Social Security number; or  
13                  (B) verification of an applicant's:  
14                      (i) ineligibility to be issued a Social Security number; and  
15                      (ii) identity and lawful status.



(7) Whether the applicant has been subject to fainting spells or seizures.

(8) Whether the applicant has been licensed as an operator, a chauffeur, or a public passenger chauffeur or has been the holder of a learner's permit, and if so, when and by what state.

(9) Whether the applicant's license or permit has ever been suspended or revoked, and if so, the date of and the reason for the suspension or revocation.

(10) Whether the applicant has been convicted of a crime punishable as a felony under Indiana motor vehicle law or any other felony in the commission of which a motor vehicle was used.

(11) Whether the applicant has a physical or mental disability, and if so, the nature of the disability and other information the bureau directs.

(12) The signature of the applicant showing the applicant's legal name as it appears or will appear on the license or permit.

(13) A digital photograph of the applicant, **unless the applicant has a sincerely held religious objection to the taking of a digital photograph of the applicant. As a part of the application, the applicant must supply a statement from a member of the clergy of the religious organization of which the applicant is a member regarding the prohibition of photography of members of the religious organization.**

The bureau shall maintain records of the information provided under subdivisions (1) through (13).

(b) For purposes of subsection (a), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the individual's principal address and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's principal address and mailing address.

(c) In addition to the information required by subsection (a), an applicant who is required to complete at least fifty (50) hours of supervised practice driving under IC 9-24-3-2.5(a)(1)(E) or IC 9-24-3-2.5(a)(2)(D) must submit to the bureau evidence of the time logged in practice driving. The bureau shall maintain a record of the time log provided.

(d) In addition to the information required under subsection (a), an application for a license or permit to be issued under this chapter must enable the applicant to indicate that the applicant is a veteran of the armed forces of the United States and wishes to have an indication of



the applicant's veteran status appear on the license or permit. An applicant who wishes to have an indication of the applicant's veteran status appear on a license or permit must:

- (1) indicate on the application that the applicant:
  - (A) is a veteran of the armed forces of the United States; and
  - (B) wishes to have an indication of the applicant's veteran status appear on the license or permit; and
- (2) verify the applicant's veteran status by providing proof of discharge or separation, other than a dishonorable discharge, from the armed forces of the United States.

The bureau shall maintain records of the information provided under this subsection.

SECTION 2. IC 9-24-11-5, AS AMENDED BY P.L.216-2014, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Except as provided in subsection (h), a permit or license issued under this chapter must contain the following information:

- (1) The full legal name of the permittee or licensee.
- (2) The date of birth of the permittee or licensee.
- (3) The address of the principal residence of the permittee or licensee.
- (4) The hair color and eye color of the permittee or licensee.
- (5) The date of issue and expiration date of the permit or license.
- (6) The gender of the permittee or licensee.
- (7) The unique identifying number of the permit or license.
- (8) The weight of the permittee or licensee.
- (9) The height of the permittee or licensee.
- (10) A reproduction of the signature of the permittee or licensee.
- (11) If the permittee or licensee is less than eighteen (18) years of age at the time of issuance, the dates on which the permittee or licensee will become:
  - (A) eighteen (18) years of age; and
  - (B) twenty-one (21) years of age.
- (12) If the permittee or licensee is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the permittee or licensee will become twenty-one (21) years of age.
- (13) Except as provided in subsections (b), (c), and (j), a digital color photograph of the permittee or licensee.
- (b) A motorcycle learner's permit issued under IC 9-24-8 does not require a digital photograph.
- (c) The bureau may provide for the omission of a photograph or



1 computerized image from any license or permit if there is good cause  
 2 for the omission, **including a religious objection as set forth in**  
 3 **IC 9-24-9-2(a)(13)**. However, a license issued without a digital  
 4 photograph must include the language described in subsection (f).

5 (d) The information contained on the permit or license as required  
 6 by subsection (a)(11) or (a)(12) for a permittee or licensee who is less  
 7 than twenty-one (21) years of age at the time of issuance shall be  
 8 printed prominently on the permit or license.

9 (e) This subsection applies to a permit or license issued after  
 10 January 1, 2007. If the applicant for a permit or license submits  
 11 information to the bureau concerning the applicant's medical condition,  
 12 the bureau shall place an identifying symbol on the face of the permit  
 13 or license to indicate that the applicant has a medical condition of note.  
 14 The bureau shall include information on the permit or license that  
 15 briefly describes the medical condition of the holder of the permit or  
 16 license. The information must be printed in a manner that alerts a  
 17 person reading the permit or license to the existence of the medical  
 18 condition. The permittee or licensee is responsible for the accuracy of  
 19 the information concerning the medical condition submitted under this  
 20 subsection. The bureau shall inform an applicant that submission of  
 21 information under this subsection is voluntary.

22 (f) Any license or permit issued by the state that does not require a  
 23 digital photograph must include a statement that indicates that the  
 24 license or permit may not be accepted by any federal agency for federal  
 25 identification or any other federal purpose.

26 (g) A license or permit issued by the state to an individual who:

- 27 (1) has a valid, unexpired nonimmigrant visa or has nonimmigrant
- 28 visa status for entry in the United States;
- 29 (2) has a pending application for asylum in the United States;
- 30 (3) has a pending or approved application for temporary protected
- 31 status in the United States;
- 32 (4) has approved deferred action status; or
- 33 (5) has a pending application for adjustment of status to that of an
- 34 alien lawfully admitted for permanent residence in the United
- 35 States or conditional permanent residence status in the United
- 36 States;

37 must be clearly identified as a temporary license or permit. A  
 38 temporary license or permit issued under this subsection may not be  
 39 renewed without the presentation of valid documentary evidence  
 40 proving that the licensee's or permittee's temporary status has been  
 41 extended.

42 (h) The bureau may adopt rules under IC 4-22-2 to carry out this



section.

(i) For purposes of subsection (a), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence.

(j) Subsection (a)(13) does not apply to temporary paper credentials or paper extension credentials issued by the bureau.

SECTION 3. IC 9-24-16-2, AS AMENDED BY P.L.221-2014, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) An application for an identification card issued under this chapter must require the following information concerning an applicant:

(1) The full legal name of the applicant.

(2) The applicant's date of birth.

(3) The gender of the applicant.

(4) The applicant's height, weight, hair color, and eye color.

(5) The principal address and mailing address of the applicant.

(6) A:

(A) valid Social Security number; or

(B) verification of an applicant's:

(i) ineligibility to be issued a Social Security number; and

(ii) identity and lawful status.

(7) A digital photograph of the applicant, **unless the applicant has a sincerely held religious objection to the taking of a photograph of the applicant. As a part of the application, the applicant must supply a statement from a member of the clergy of the religious organization of which the applicant is a member regarding the prohibition of photography of members of the religious organization.**

(8) The signature of the applicant showing the applicant's legal name as it will appear on the identification card.

(9) If the applicant is also applying for a Class B motor driven cycle endorsement, verification that the applicant has satisfactorily completed the test required under section 3.6 of this chapter.

The bureau shall maintain records of the information provided under subdivisions (1) through (9).

(b) The bureau may invalidate an identification card that the bureau believes to have been issued as a result of fraudulent documentation.

(c) The bureau:



(1) shall adopt rules under IC 4-22-2 to establish a procedure to verify an applicant's identity and lawful status; and

(2) may adopt rules to establish a procedure to temporarily invalidate an identification card that it believes to have been issued based on fraudulent documentation.

(d) For purposes of subsection (a), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the individual's principal address and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's principal address and mailing address.

(e) In addition to the information required under subsection (a), an application for an identification card to be issued under this chapter must enable the applicant to indicate that the applicant is a veteran of the armed forces of the United States and wishes to have an indication of the applicant's veteran status appear on the identification card. An applicant who wishes to have an indication of the applicant's veteran status appear on the identification card must:

(1) indicate on the application that the applicant:

(A) is a veteran of the armed forces of the United States; and

(B) wishes to have an indication of the applicant's veteran status appear on the identification card; and

(2) verify the applicant's veteran status by providing proof of discharge or separation, other than a dishonorable discharge, from the armed forces of the United States.

The bureau shall maintain records of the information provided under this subsection.

SECTION 4. IC 9-24-16-3, AS AMENDED BY P.L.221-2014, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) An identification card must have the same dimensions and shape as a driver's license, but the card must have markings sufficient to distinguish the card from a driver's license.

(b) Except as provided in subsection (g), the front side of an identification card must contain the expiration date of the identification card and the following information about the individual to whom the card is being issued:

(1) Full legal name.

(2) The address of the principal residence.

(3) Date of birth.

(4) Date of issue and date of expiration.

(5) Unique identification number.

(6) Gender.



(7) Weight.

(8) Height.

(9) Color of eyes and hair.

(10) Reproduction of the signature of the individual identified.

(11) Whether the individual is blind (as defined in IC 12-7-2-21(1)).

(12) If the individual is less than eighteen (18) years of age at the time of issuance, the dates on which the individual will become:

(A) eighteen (18) years of age; and

(B) twenty-one (21) years of age.

(13) If the individual is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the individual will become twenty-one (21) years of age.

(14) Digital photograph of the individual, **except as provided in subsection (i).**

(c) The information contained on the identification card as required by subsection (b)(12) or (b)(13) for an individual who is less than twenty-one (21) years of age at the time of issuance shall be printed prominently on the identification card.

(d) If the individual:

(1) has indicated on the application that the individual is a veteran of the armed forces of the United States and wishes to have an indication of the applicant's veteran status appear on the identification card; and

(2) has provided proof of any discharge or separation, other than a dishonorable discharge, from the armed forces of the United States;

an indication of the individual's veteran status shall be shown on the identification card.

(e) If the applicant for an identification card submits information to the bureau concerning the applicant's medical condition, the bureau shall place an identifying symbol on the face of the identification card to indicate that the applicant has a medical condition of note. The bureau shall include information on the identification card that briefly describes the medical condition of the holder of the card. The information must be printed in a manner that alerts a person reading the card to the existence of the medical condition. The applicant for an identification card is responsible for the accuracy of the information concerning the medical condition submitted under this subsection. The bureau shall inform an applicant that submission of information under this subsection is voluntary.

(f) An identification card issued by the state to an individual who:





(1) has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;

(2) has a pending application for asylum in the United States;

(3) has a pending or approved application for temporary protected status in the United States;

(4) has approved deferred action status; or

(5) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent residence status in the United States;

must be clearly identified as a temporary identification card. A temporary identification card issued under this subsection may not be renewed without the presentation of valid documentary evidence proving that the holder of the identification card's temporary status has been extended.

(g) For purposes of subsection (b), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence.

(h) The bureau shall validate an identification card for Class B motor driven cycle operation upon a highway by endorsement to an individual who:

(1) applies for or has previously been issued an identification card under this chapter;

(2) makes the appropriate application for endorsement; and

(3) satisfactorily completes the test required under section 3.6 of this chapter.

The bureau shall place a designation on the face of the identification card to indicate that the individual has received a Class B motor driven cycle endorsement.

**(i) The bureau may provide for the omission of a digital photograph from an identification card if there is a religious objection as set forth in section 2(a)(7) of this chapter. However, an identification card issued without a digital photograph must include a statement that indicates that the identification card may not be accepted by any federal agency for federal identification or any other federal purpose.**

